

REMARKS

Claims 22-31 and 33-51 were examined by the Office, and in the Office Action of April 1, 2010 all claims are rejected. With this response no claims are amended, added or cancelled. Applicant respectfully requests reconsideration and withdrawal of the objections and rejections in view of the following discussion.

Claim Rejections Under § 102

On page 2 of the Office Action, claims 22-31 and 33-51 are rejected under 35 U.S.C. § 102(a) as anticipated by Ito et al. (EP 1 359 777). Applicant respectfully submits that claim 22 is not disclosed or suggested by Ito, because Ito fails to disclose or suggest all of the limitations recited in claim 22. Ito at least fails to disclose or suggest a data collector, which is programmed to collect user data on the source communication device, to be transferred from the communication device to the source communication device and to be executed in the source communication device, as recited in claim 22. Therefore, for at least this reason, applicant respectfully requests withdrawal of the rejection to claim 22.

As recited in claim 22, the data collector, which executable and thus must represent an executable program, is transferred from the communication device to the source communication device, and the data collector is executed for collecting user data to be transferred to the communication device. This means, that the data collector itself collects the user data to be transferred. In contrast to claim 22, Ito discloses to generate a data list by means of data list generator 12 of a first cellular phone 10, and to transmit this data list to a data list receiver of a second cellular phone 20. See Ito paragraphs [0073 & [0100]; Figure 2. This transmitted data list comprises a plurality of storage areas 121a to 121g configured to store data. See Ito paragraph [0074]. This data list is transferred to the second cellular phone 20, and the data compatibility checker 22 of the second cellular phone 20 determines whether the content data recorded in the content data list is compatible with the cellular phone 20. See Ito paragraphs [0101]-[0102]; Figure 4. Accordingly, Ito fails to disclose that the content data list is executed, since Ito teaches that the data compatibility checker 22 of the second cellular phone 20 is executed in order to perform operations on the data comprised in the content data list.

Furthermore, the request list generator 24 of the second cellular phone 20 is executed in order to generate a request list as a record of a list of the content data that the cellular phone 20 requests the cellular 10 to transmit. See Ito paragraph [0136]; Figure 4. After completion of the request list generating processing, the request list transmitter 25 transmits the request list to the first cellular phone 10. See Ito paragraph [0157]; Figure 4. Then, the data extractor 15 of the first cellular phone 20 is executed in order to extract the content data corresponding to IDs and file names stored and the request list. See Ito paragraph [0158]; Figure 4. Therefore, Ito fails to disclose that the request list is executed, since Ito teaches that data extractor 15 of the first cellular phone 20 is executed in order to perform operations on data comprised in the request list. Subsequently, data transmitter 16 transmits the extracted content data to the cellular phone 20. See Ito paragraph [0159]; Figure 4.

Therefore, in Ito neither the data list, which is transmitted from the first cellular phone 10 to the second cellular phone 20, nor the request list, which is transmitted from the second cellular phone 20 to the first cellular phone 10, is executed in the respective first or second cellular phone 10, 20, since any execution disclosed in Ito is performed by means of entities located in the respective cellular phone 10, 20, e.g. by means of the first cellular phone's 10 data list generator 12 or by means of the second cellular phone's 20 request list generator 24 or by means of the first cellular phone's 10 data extractor 15. See Ito paragraphs [0101]-[0102] & [0157]-[0158]; Figure 4. Neither of these entities is transmitted from one cellular phone to the other cellular phone in order to be executed after being transmitted. Therefore, for at least the reasons discussed above, claim 22 is not disclosed or suggested by Ito.

Independent claims 39-51 contain limitations similar to those recited in claim 22, and therefore for at least the reasons discussed above in relation to claim 22 are not disclosed or suggested by the cited references.

The dependent claims rejected above all ultimately depend from an independent claim, and therefore are not disclosed or suggested by Ito at least in view of their dependencies.

Conclusion

For at least the foregoing reasons, it is respectfully submitted that the present application as is in condition for allowance, and such action is earnestly solicited. The undersign hereby authorizes the Commissioner to charge Deposit Account No. 23-0442 for any fee deficiency required to submit this response.

Respectfully submitted,

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